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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 GURSIMRAT SINGH,) No. C 07-5917 PVT

12 Petitioner,)

13 v.)

14) ANSWER

15 ROSEMARY MELVILLE, District Director, in)

16 her Official Capacity, District Director,)

17 Citizenship and Immigration Services, United)

18 States Department of Homeland Security, San)

19 Francisco, California; FRANCIS D. SICILIANO,)

20 in his Official Capacity, Field Office Director,)

21 Citizenship and Immigration Services, United)

22 States Department of Homeland Security, San)

23 Jose, California; EMILIO T. GONZALEZ, in his)

24 Official Capacity, Director, United States)

25 Citizenship and Immigration Services,)

26 Department of Homeland Security; MICHAEL)

27 CHERTOFF, in his Official Capacity, Secretary,)

28 Department of Homeland Security; MICHAEL)

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26 Respondents hereby submit their answer to Petitioner's Petition for Naturalization Pursuant to

27 8 U.S.C. § 1447(b).

28

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INTRODUCTION

1. Paragraph One consists of Petitioner's characterizations of the lawsuit for which no answer is required; however, to the extent that such allegations are deemed to require an answer, Respondents deny the allegations in Paragraph One.

2. Respondents admit the allegations in Paragraph Two.

JURISDICTION AND VENUE

3. Paragraph Eight consists of Petitioner's allegation regarding jurisdiction, to which no responsive pleading is required; however, to the extent that such allegations are deemed to require an answer, Respondents deny the allegations contained in this paragraph.

4. Paragraph Four consists of Petitioner's allegations regarding venue, to which no responsive pleading is required.

5. Paragraph Five consists of Petitioner's allegations regarding venue, to which no responsive pleading is required.

INTRADISTRICT ASSIGNMENT

6. Paragraph Six consists of Petitioner's allegations regarding intradistrict assignment, to which no responsive pleading is required.

PARTIES

7. Respondents admit the allegations in Paragraph Seven; however, Respondents are without sufficient information to admit or deny Petitioner's residence.

8. Respondents admit the allegations in Paragraph Eight.

9. Respondents admit the allegations in Paragraph Nine.

10. Respondents admit the allegations in Paragraph Ten.

11. Respondents admit the allegations in Paragraph Eleven.

12. Respondents admit the allegations in Paragraph Twelve.

13. Respondents admit the allegations in Paragraph Thirteen.

STATEMENT OF FACTS

14. Respondents admit the allegations in Paragraph Fourteen.

15. Respondents admit the allegations in Paragraph Fifteen.

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1 16. Respondents admit the allegations in Paragraph Sixteen.

2 17. Respondents admit the allegations in Paragraph Seventeen; however, Respondents are
3 without sufficient information to admit or deny Petitioner's criminal record.

4 18. Respondents admit the allegations in Paragraph Eighteen.

5 19. Respondents are without sufficient information to admit or deny the allegations in
6 Paragraph Nineteen.

7 20. Respondents admit the allegations in Paragraph Twenty.

8 21. Respondents are without sufficient information to admit or deny the allegations in
9 Paragraph Twenty-One.

10 22. Respondents are without sufficient information to admit or deny the allegations in
11 Paragraph Twenty-Two.

12 23. Respondents are without sufficient information to admit or deny the allegations in
13 Paragraph Twenty-Three.

14 24. Respondents deny the allegations in Paragraph Twenty-Four.

15 **CAUSE OF ACTION**

16 25. Respondents incorporate their responses to Paragraph One through Twenty-Four as if set
17 forth fully herein.

18 26. Respondents admit the allegations in Paragraph Twenty-Six; however, Respondents are
19 without sufficient information to admit or deny that Petitioner meets all statutory requirements.

20 **REQUEST FOR RELIEF**

21 The remaining allegations consists of Petitioner's prayer for relief, to which no admission or
22 denial is required; to the extent a responsive pleading is deemed to be required, Respondents deny
23 this paragraph.

24 **FIRST AFFIRMATIVE DEFENSE**

25 The court lacks jurisdiction over the subject matter of this action.

26 **SECOND AFFIRMATIVE DEFENSE**

27 The Complaint fails to state a claim against the Respondents upon which relief can be granted.

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THIRD AFFIRMATIVE DEFENSE

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Petitioner.

FOURTH AFFIRMATIVE DEFENSE

At all times alleged in the Complaint, Respondents were acting with good faith, with justification, and pursuant to authority.

FIFTH AFFIRMATIVE DEFENSE

Respondents are processing the applications referred to in the Petition to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

SIXTH AFFIRMATIVE DEFENSE

Respondents' delay is not unreasonable as a matter of law.

WHEREFORE, Respondents pray for relief as follows:

13 That judgment be entered for Respondents and against Petitioner, dismissing Petitioner's
14 Petition with prejudice; that Petitioner takes nothing; and that the Court grant such further relief as
15 it deems just and proper under the circumstances.

16 | Dated: January 29, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

ANSWER
C 07-5917 PVT